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A MODEST PROPOSAL FOR AN EU REGULATION ON FOOTBALL GOVERNANCE IF NOT THE EU, THEN WHO?



A Modest Proposal for an EU Regulation on Football Governance If not the EU, then who?

Jan Exner & Stephen Weatherill ¹

Introduction: Building Momentum

Football has generated much critical media coverage in recent years. Think of the maltreatment of fans at major events, outrage over ticket prices and randomly re-scheduled kick-off times, and the increasingly bloated size and length of major competitions. Think also of the environmental damage caused by the international carousel and the ready association with sources of funding that have only a loose connection to respect for human rights. Think too of the exposure of the occasional corruption scandal. Some of these are matters of reputational damage, and some have spilt over into litigation. But all have the same problem as their root cause. All are the product of how the sport is run primarily for and by the powerful, with scant regard for all affected parties, most conspicuously athletes and fans. The problem is inadequately representative and accountable governance.

Three years have passed since the appeal was made that only the EU can save football from itself,² yet momentum is now building. A conference organised by the Union of European Clubs in Brussels on 15 October tabled several ideas for reform, including the need for closer attention by the EU to mandating improvement in governance practices.³ October 2024 also saw the publication of a FairSquare Policy Brief authored by Jan Zgliniski under the suggestive title *Laws for the Games: How the EU can reform sports governance*.⁴ It is rich in prescriptive ambition.

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2. Weiler and others (n 2).

3. '[European Professional Football Forum Highlights the Urgent Need for Reforms](#)' (*Union of European Clubs*).

4. Jan Zgliniski and FairSquare, '[Laws for The Games: How the EU Can Reform Sports Governance](#)', 2024.



Finally, FairSquare published a report on 30 October 2024 identifying serious structural flaws within FIFA, offering the EU as a possible solution for external reform of football.⁵

We want to add to the momentum. In this Long-Read, we explain where and why football fails to deliver representative and accountable governance and why the EU is the only plausible reform source. Then, we set out a concrete agenda of matters that the EU can and should address to reform the key structures and patterns of governance. We call for EU legislative action to enhance football governance, a necessary step to ensure the sport's fairer, more transparent, and accountable management. Additionally, the EU could also consider legislation protecting the European sports model. We insist that football needs and deserves concrete, politically driven reform rather than relying solely on the status quo or sporadic legal challenges.

The Nature of the Problem: Poor Governance in Football

Consider the recent controversy caused by FIFA's expansion of its Club World Cup. In 2023, following a model initiated in 2005, this competition comprised seven matches played across ten days during the northern hemisphere's winter. Manchester City won the trophy after playing just two matches. The 2025 edition will be very different. A total of 63 games and seven matches are required to win the trophy, a competition stretching across a full month in the heat of summer. It is not FIFA alone which eagerly inflates the calendar. Season 2024/25 sees the UEFA Champions League expanded beyond its previous shape, with each qualifying team playing eight rather than six matches during a group stage. Having previously concluded before Christmas, the group stage now spills over into January.

These developments have triggered an explosion of concern about how football governing bodies make decisions. Where is the players' voice, whose workload is significantly increased and whose opportunity for rest is significantly decreased? What of smaller clubs, especially (but not only) in smaller countries, increasingly cut adrift from the top table as competitions have become increasingly loaded in favour of the interests of the biggest clubs in the biggest countries? And does anyone ask the fans what they want?

5. FairSquare, '[Substitute: FIFA Not Fit to Govern World Football, External Reform Essential to Prevent Future Harm](#)', 2024.

The EU is not blind to such problems. The Council and the European Parliament have increasingly recognised unequal representation of all stakeholders. On top of that, the EU political institutions have noted gender inequality, corruption, match-fixing, doping, racism, financial instability, digital piracy, and the dominance of profit-driven models. They have also highlighted concerns about human rights violations, discrimination, violence, environmental impacts, and sustainability. Consequently, the EU institutions have repeatedly called for improved sports governance, a prerequisite for sporting governing bodies' right to autonomy and self-regulation in the EU.⁶ However, they have not yet taken any legislative action. Therefore, the only legally binding intervention undertaken by the EU has been driven by litigation, which has limits as a source of reform, explained in the next subsection.

The EU institutions have repeatedly called for improved sports governance, a prerequisite for sporting governing bodies' right to autonomy and self-regulation in the EU

The Limitations of Litigation

We do not underestimate the impact of reform driven by litigation. The famous *Bosman* ruling from 1995⁷ engineered an adjustment of the transfer system to the benefit of players, and it required the abolition of intra-EU nationality-based discrimination in club football. The Court of Justice's *European Superleague Company* ruling of 21 December 2023⁸ demands that procedures to approve new competitions be transparent, objective, non-discriminatory and proportionate. And the *Diarra* case, decided by the Court of Justice on 4 October 2024,⁹ will cause a further jolt to the football's transfer system. It has already provoked FIFA to promise 'a global dialogue with key stakeholders (...) in compliance with European law'.¹⁰ On top of that, litigation concerning matters such as FIFA's regulation of agents is pending before the Court of Justice.¹¹ Finally, FIFA's control over the international calendar, which allows it to find room for its enlarged Club World Cup, has been challenged under competition law before the European Commission.¹² This is fine – as far as it goes.

6. [‘Conclusions of the Council and of the Representatives of the Governments of the Member States Meeting within the Council on Combating Corruption in Sport’](#); [‘European Parliament Resolution of 23 November 2021 on EU Sports Policy: Assessment and Possible Ways Forward’](#); [‘Resolution of the Council and of the Representatives of the Governments of the Member States Meeting within the Council on the Key Features of a European Sport Model’](#).

7. [Judgment of the Court of Justice of 15 December 1995, *Bosman* \(C-415/93, EU:C:1995:463\)](#).

8. [Judgment of the Court of Justice of 21 December 2023, *European Superleague Company* \(C-333/21, EU:C:2023:1011\)](#).

9. [Judgment of the Court of Justice of 4 October 2024, *FIFA* \(C-650/22, EU:C:2024:824\)](#).


10. [‘FIFA to Open Global Dialogue on Article 17 of the Regulations on the Status and Transfer of Players Following Diarra Ruling’](#), FIFA, 14 October 2024.

11. Court of Justice, *RRC Sports* (C-609/23).

12. [‘European Leagues and FIFPRO Europe to File Joint Complaint to European Commission against FIFA Regarding International Match Calendar’](#) FIFPRO, 23 July 2024.

However, litigation can never be more than a marginal disruptive element in the quest to achieve a systematic improvement in governance. Litigation is *ad hoc* – a case here, a case there, arising according to the accidents of litigation. It does not necessarily target the most deep-rooted problems. Litigation is reactive – it responds to problems that have already arisen and caused harm. It does not establish predictable ground rules understood in advance. In any event, competition law – which is, by a distance, the most commonly employed set of rules in litigation concerning the governance of sport – is not designed to capture the sport's peculiar economic and cultural features. A much higher level of coordination is required among participants in a sports league than in a conventional economic sector. Clubs need each other.

Moreover, due to the need to establish institutional means to achieve that necessary coordination, sports are typically organised top-down according to the pyramid structure. Governing bodies are responsible for setting the game's rules and ensuring they apply uniformly across the globe in a way not found in normal industries. Competition law is not blind to these features. It is applied with sensitivity to the context, although there is, for sure, room for legitimate discussion about how successful competition law has been in accommodating the peculiarities of sport.¹³ The anxiety, however, is that smoothing the prevailing frictions requires much more than the application of competition law and that, therefore, litigation, even if it happens to be pursued, addresses only part of the problem.



Litigation can never be more than a marginal disruptive element in the quest to achieve a systematic improvement in governance

13. Petros C Mavroidis and Damien Neven, '[Legitimate objectives in antitrust analysis : The FIFA regulation of agents and the right to regulate football in Europe](#)', *Revue Concurrences*, 2024; Giorgio Monti, '[EU Competition Law after the Grand Chamber's December 2023 Sports Trilogy: European Super League, International Skating Union and Royal Antwerp FC](#)', *Revista de Derecho Comunitario Europeo* 11, 2024; Pablo Ibáñez Colomo, '[Competition Law and Sports Governance: Disentangling a Complex Relationship](#)', 45 *World Competition*, 2022; Stephen Weatherill, '[Protecting the Conditional Autonomy of Governing Bodies in Sport from Review "from a Competition Standpoint": How the Court Should Decide Its Pending Cases on the Transfer System, the Regulation of Agents and Club \(Re-\)Location](#)', *EU Law Analysis*, 11 May 2024; Okeoghene Odudu, '[No One Is Bigger than the Game](#)' in Jeremias Adams-Prassl and others (eds), *The Internal Market Ideal: Essays in Honour of Stephen Weatherill*, Oxford University Press, 2024.

Football governance is mired in a fundamental conflict of interest, whereby the game's regulatory body also has a direct commercial stake in the choices made. This tension gets ever sharper as the sport becomes ever more commercially lucrative. Consider the expanded Club World Cup. Is it an admirable method to emphasise and develop the global nature of the game? Or is it a means for FIFA to increase its income? Quite probably, it is both. And FIFA's decision may be lawful as a matter of EU law. The *European Superleague Company* judgment stands for the proposition that a governing body may act to protect the format of sporting competitions even where it has a direct commercial stake in them (though subject to procedural obligations of transparency and non-discrimination, which were not met in the case).¹⁴

The Need for Governing Bodies – But also the Need for Legislation

The embedded problem is that sports are run according to an awkward bundling of regulatory and commercial functions, and litigation fails to address the root cause of the problem. Anxiety that the decision to expand the Club World Cup has occurred without adequate respect for all affected interests and instead emerges from within FIFA itself raises structural questions about how the sport is run. This goes beyond competition law. The CJEU is not a regulator that can create a fresh and representative framework. Litigation, though potentially an important motor of change in sport, cannot deliver a set of predictable, clear and systematic rules on good governance. Only legislation can do that.

It is a vain hope that governing bodies in sport will pursue vigorous reform from within. The problem is that they are self-interested and operate in a manner that denies a voice to all interests affected by their choices. There is an entrenched structural impediment to internal reform. So, reform needs to come from the outside. However, we doubt that the states can or should deliver reform. Political and/or legal factors explain why it is relatively uncommon for national public authorities to intervene in the operation of governing bodies in sports. They tend to respect their autonomy. And, in some respects, happily so. If national public authorities did regulate sports, they would inevitably do so in different ways, which would harm the uniformity of the sport's global regulation. And there exists no public authority able to exercise global sports jurisdiction.

There is an entrenched structural impediment to internal reform. So, reform needs to come from the outside

Football needs governing bodies. Football needs FIFA and UEFA. No public authority has the expertise or legitimacy to run football. Our aim is not to deprive governing bodies in sports of their primary role as autonomous regulators of their sport. Quite the reverse – we need a body to set common rules to secure the integrity of sporting competition and the global football game. We want governing bodies to champion sporting integrity, represent all affected interests, and promote equality, fairness and tolerance through sport. However, governing bodies are not currently living up to the entirety of this agenda. Most importantly, greater transparency and more representative and accountable governance are needed.

14. Judgment of the Court of Justice, *European Superleague Company*.

The EU—and only the EU—is in a position to regulate football. Its legitimacy as a regulator with transitional reach is not in question. Its very purpose is to soothe the tensions inherent in transnational activity



The EU as a Football Legislator

Football, a fundamentally cross-border activity, needs an independent source of regulatory reform, which is itself cross-border in aspiration and structure. There is only one place to look—the EU. The EU—and only the EU—is in a position to regulate football. Its legitimacy as a regulator with transitional reach is not in question. Its very purpose is to soothe the tensions inherent in transnational activity. And consider a point of brutal practicality: FIFA and UEFA can and do sanction member countries that they consider having pursued ‘political’ interference in the game by suspending teams from international competitions. In September 2024, UEFA cautioned the UK that its plans to implement legislation establishing an independent football regulator might be government interference and stressed its authority to exclude England from EURO 2028.¹⁵ The EU is immune to such threats. It has no team, and FIFA or UEFA cannot afford to expel all 27 member states’ teams from a tournament.

So, we want the EU to impose standards of good governance as a licence for the autonomy and self-regulation of football governing bodies. If it did so, its influence would doubtless be felt beyond the EU. Governing bodies are unlikely to be able to operate according to one set of rules for the EU and a quite different set elsewhere. So, in practice, this ‘Brussels effect’ causes the EU to become a de facto global regulator. Trends of this nature are already visible.¹⁶ It is not to be celebrated unconditionally. Anxiety about regulatory imperialism needs to be taken seriously, and in setting standards, the EU should be scrupulous to avoid any hint of Eurocentric bias. However, action by a transnational entity is needed: regulation by a single state will be ineffective in tackling a transnational problem. Anyone sceptical of the EU’s involvement must answer the question, ‘If not the EU, then who?’

15. Dan Roan, ‘Uefa Warns England Could Be Banned from Euro 2028 over Regulator Concerns’, *BBC Sport*, 4 September 2024; Sean Ingle, ‘England Will Not Face Euros Expulsion for Having Regulator, Key Officials Say’, *The Guardian*, 15 September 2024.

16. Antoine Duval, Johan Lindholm and Alexander Krüger (eds), *The European Roots of the Lex Sportiva: How Europe Rules Global Sport*, vol Bloomsbury Open Access, Hart Publishing, 2024.

We are not trying to bury FIFA and UEFA. We are trying to do the exact opposite. We propose that the EU rescue them – not replace them but reform them. We envisage a partnership – governing bodies make the rules, and the EU mandates principles that must be met to make those rules. We do not want to remove FIFA and UEFA's autonomy but to enhance their standards of good governance, particularly in addressing the growing conflict between their regulatory and commercial roles. Put another way, our concern is with the process, not the outcome. We do not advocate that the EU shall assume ultimate regulatory authority for football in Europe (and de facto beyond) nor that it should tackle the organisational intricacies of competitions. Instead, we advocate that the EU should direct the processes through which such decisions are made to ensure they are transparent, fully representative, and accountable to all affected interests.

The aim is to improve how the governing bodies operate and reach their decisions and, in particular, to address the tension which has grown over recent years between regulatory and commercial functions. The ad hoc application of competition law can reliably deliver none of this. The EU can add value by making politically legitimate legislative choices that improve the quality and predictability of football governance. The EU can usefully promote dialogue, the exchange of best practices, and institutional cooperation in the governance of sport. It can also move beyond competition law to regulation and adopt a policy of targeted legislative proactivity.

We focus on football. Football is by far the most popular and commercially significant sport in Europe, and its governance issues have been at the centre of recent controversies described above. A focused EU act could address the unique governance challenges in football, which are more complex due to its global reach and immense financial power. Moreover, football has already been the subject of numerous Court of Justice interventions and is the primary sport generating debates around competition law, transfer systems, and governance. A football-specific act could build on this established legal foundation. We sincerely believe this is an opportunity, not a threat, for the governing bodies involved. Litigation driven by EU law is ad hoc and reactive, but it has landed heavy blows on sporting autonomy in recent years. Hierarchies in the traditional top-down 'pyramid' governance structure have been weakened, leading to the astutely judged question: 'Who owns football?'¹⁷ EU legislation can target the specific governance challenges related to conflicts of interest within FIFA, UEFA, and national football federations.¹⁸ It can help governing bodies improve their game and restore reputations that have been tarnished in recent years.

17. Jan Zgliniski, 'Who Owns Football? The Future of Sports Governance and Regulation after European Superleague', *European Law Review* 454, 2024.

18. Zgliniski and FairSquare (n 5); Weatherill, 'Saving Football from Itself' (n 2); Miguel Poiars Maduro, 'EU Law and Sports: A Match Made in Hell or in Heaven?' in Jeremias Adams-Prassl and others (eds), *The Internal Market Ideal: Essays in Honour of Stephen Weatherill*, Oxford University Press, 2024.

The EU's Competence to Legislate in Football

We believe that the EU has the competence to regulate football governance. However, it is not Article 165 TFEU on which we would wish to rely. That article, an innovation of the Lisbon Treaty and effective since 2009, provides the EU with the competence to support, coordinate, or supplement the actions of the member states in sport. While it allows for the adoption of incentive measures, it also excludes the harmonisation of national laws. So, it is not strong enough to support our proposal. We return to where it all started to find a suitable legislative basis for the EU's action in the field. Since the 1970s, the Court of Justice has applied free movement law and later competition law to sports.¹⁹ Internal market law is the key to the EU's competence in regulating football governance.

**The EU has the
competence to regulate
football governance**

We believe that Articles 53(1), 62, and 114 TFEU are best suited for EU legislative action. They empower the EU to harmonise laws to enhance its internal market. The power of football governing bodies extends beyond sport into the economic market. The threshold for claiming this EU legislative competence is quite low, as confirmed by the Court of Justice on many occasions.²⁰ When obstacles to trade are likely to arise due to divergent national measures, creating different levels of protection and hindering the free movement of products and services, Articles 53(1), 62, and 114 TFEU allow the EU legislature to take necessary action. Existing discrepancies in sports regulation hinder cross-border economic activities, justifying EU intervention to establish common standards. Moreover, in setting standards for governance in football, the EU could draw inspiration from other sector-specific legislation designed to establish ex-ante standards to supplement the ex-post application of competition law. For example, the EU adopted the Digital Markets Act and the Digital Services Act based on Article 114 TFEU.²¹ The Digital Markets Act assumes that powerful platforms must be held to defined standards of conduct because of their power to act as 'gatekeepers' in the sector. What are governing bodies in football if not 'gatekeepers'?

19. See amongst others [Judgment of the Court of Justice of 12 December 1974, Walrave a Koch \(36/74, EU:C:1974:140\)](#); [Judgment of the Court of Justice of 18 July 2006, Meca-Medina and Majcen v Commission \(C-519/04 P, EU:C:2006:492\)](#). See also Stephen Weatherill, *Principles and Practice in EU Sports Law*, Oxford University Press, 2017, Chapters 4 and 5.

20. [Judgment of the Court of Justice of 12 December 2006, Germany v Parliament and Council \(C-380/03, EU:C:2006:772, para 41\)](#); [Judgment of the Court of Justice of 4 May 2016, Poland v Parliament and Council \(C-358/14, EU:C:2016:323, para 36\)](#); [Judgment of the Court of Justice of 4 May 2016, Philip Morris Brands and Others \(C-547/14, EU:C:2016:325, para 62\)](#); [Judgment of the Court of Justice of 3 December 2019, Czech Republic v Parliament and Council \(C-482/17, EU:C:2019:1035, para 37\)](#).

21. [Regulation \(EU\) 2022/1925](#) of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) (Text with EEA relevance) 2022 (OJ L); [Regulation \(EU\) 2022/2065](#) of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act) (Text with EEA relevance) 2022 (OJ L).

Additionally, the EU could draw inspiration from the recently adopted Corporate Sustainability Due Diligence Directive, which finds its legal basis in Articles 114, 50(1), 50(2)(g), and 54 TFEU.²² These provisions empower the EU to enact directives to attain freedom of establishment, coordinating safeguards required from companies or firms constituted under civil or commercial law, including cooperative societies and other legal persons governed by public or private law. There is an exception for non-profit companies. However, we believe that football governing bodies are not exempted, as evidenced by the increasing commercialisation of football. And the EU's inspiration from this directive could go beyond its formal legal basis. The directive lays down obligations for companies regarding human rights and environmental adverse impacts, which could also feasibly and helpfully apply to football.

Given the transnational nature of football governance and the need for consistent standards, we believe an EU regulation is the appropriate legislative means. Football competitions are inherently cross-border, and governance issues require uniformity to prevent discrepancies that could disrupt the integrity of football governance. An EU directive would allow the principles to be adapted through implementation within the national context, but given the cross-border nature of sports governance, we recommend instead an EU regulation. Only this can deliver uniformity and immediate application of common rules across all Member States.

What Should the EU Regulate in Football Governance?

Let us move to the details. The EU should regulate football governance, but what shape should such legislation take? What should be its substance? We believe the EU should demand that football governing bodies separate their regulatory and commercial functions to tackle the endemic conflict of interest that currently plagues their activities. The EU's football governance legislation should impose good governance standards as licensing requirements or prerequisites for the ability of football governing bodies to operate in the EU internal market. The EU could also legislate to protect the European sports model, whose principles and values overlap with good governance requirements.



The EU's football governance legislation should impose good governance standards as licensing requirements or prerequisites for the ability of football governing bodies to operate in the EU internal market

22. [Directive \(EU\) 2024/1760](#) of the European Parliament and of the Council of 13 June 2024 on corporate sustainability due diligence and amending Directive (EU) 2019/1937 and Regulation (EU) 2023/2859 (Text with EEA relevance) 2024.

There are many sources of inspiration for EU legislation. We draw inspiration from the judgments of the Court of Justice in *MOTOE*,²³ *European Superleague Company*,²⁴ *International Skating Union*²⁵ and *Diarra*,²⁶ where the Court of Justice required sporting rules to be open, objective, clear, precise, transparent, non-discriminatory, and proportionate, subject to restrictions, obligations and review. On top of that, we draw inspiration from the abovementioned conclusions and resolutions of the Council and the European Parliament concerning sports governance. Moreover, the EU expert group issued a recommendation containing principles of good governance in sports in 2013.²⁷ We also looked into what the Council of Europe has contributed to the debate, especially the reports authored in 2018 by Anne Brasseur²⁸ and Mogens Jensen.²⁹ To consider the rules of sporting governing bodies, we analysed the International Olympic Committee's Basic Universal Principles of Good Governance within the Olympic Movement.³⁰ Consequently, we have chosen to divide the good governance principles into eight categories, which we believe the EU could use as inspiration for its legislation.

1. Democratic governance and representation

Good governance in sports requires democratic structures, including regular, transparent elections and decision-making processes. Governance bodies must ensure that all relevant stakeholders—players, fans, clubs, and leagues—are fairly represented. This includes having strong internal checks and balances to prevent the concentration of power and ensure broad participation in governance decisions.

2. Ethics and integrity

Integrity is essential for maintaining trust in sports governance. This includes implementing independent oversight mechanisms, adhering to codes of ethics, and ensuring that decisions are free from conflicts of interest. Measures to combat corruption, financial misconduct, and abuses within the sport, such as match-fixing and doping, are critical. Education and awareness-raising initiatives further reinforce the culture of integrity.

3. Transparency and accountability

Transparency in decision-making and financial management is a cornerstone of effective sports governance. Football governing bodies should publicly communicate their strategic plans, financial reports, and governance structures. Accountability mechanisms, such as external audits and independent evaluations, ensure that actions align with stakeholders' interests and that football governance remains open and accessible.

23. [Judgment of the Court of Justice of 1 July 2008, *MOTOE* \(C-49/07, EU:C:2008:376\)](#).

24. Judgment of the Court of Justice, *European Superleague Company*.

25. [Judgment of the Court of Justice of 21 December 2023, *International Skating Union v Commission* \(C-124/21 P, EU:C:2023:1012\)](#).

26. Judgment of the Court of Justice, *FIFA*.

27. EU Expert Group 'Good Governance', [Principles of Good Governance in Sport](#), 2013.

28. Anne Brasseur, '[Good Football Governance](#)', Council of Europe, Parliamentary Assembly, 2018.

29. Mogens Jensen, '[Working towards a Framework for Modern Sports Governance](#)', Council of Europe, Parliamentary Assembly, 2018.

30. '[Basic Universal Principles of Good Governance within the Olympic Movement](#)', International Olympic Committee, 2022.

4. Human rights

Protecting the rights of players and other participants is fundamental. This includes ensuring non-discrimination, freedom of association, and access to fair procedures in disciplinary matters. Governance structures should also safeguard against exploitation and abuse while promoting a culture that respects and upholds the dignity and rights of all individuals involved in football.

5. Diversity and inclusion

Football governing bodies should strive for greater diversity in leadership roles and ensure inclusive decision-making processes. This means improving the representation of women and minority groups and providing equal opportunities for all participants. Efforts to address gender disparities and promote a more inclusive environment are essential for fair and balanced football governance.

6. Social responsibility and solidarity

Football organisations are responsible for contributing positively to their communities. This includes supporting financial solidarity between professional and grassroots levels, engaging in community development, and promoting sustainability. By integrating social and environmental goals into their strategies, sports bodies can ensure their activities benefit the broader society.

7. Health, safety, and well-being

Ensuring players' physical and mental well-being is critical to governance. This includes providing safe environments, adequate medical support, and protection against harassment and abuse. A strong focus on safeguarding the welfare of all participants helps create a supportive atmosphere that enables players to thrive.

8. Regulation and structural adjustments

Effective governance requires clear regulatory frameworks and regular structural reviews to ensure best practices. This involves regulating intermediaries like agents, separating regulatory and commercial functions, and establishing independent oversight bodies. Licensing requirements and adherence to governance standards ensure that organisations operate fairly and transparently, aligning with broader principles of good governance.

The principles of good football governance partially overlap with the foundations of the European sports model. In the *European Superleague Company*, the Court considered sporting competition's open, merit-based nature, ensuring a certain form of solidarity redistribution within football, a legitimate objective.³¹ On top of that, we again draw inspiration from the sporting conclusions and resolutions of the European Parliament and the Council. We also draw on the contents of the European Citizens' Initiative 'Win It On The Pitch', registered in 2012.³² Consequently, we grouped the principles of the European sports model into five categories that may serve as an inspiration for the content of EU legislation.

31. Judgment of the Court of Justice, *European Superleague Company*, paras 196, 253.

32. ['European Citizens' Initiative: Win It On The Pitch'](#), 2012.

1. Values-based sport and social functions

The European sports model is built on inclusiveness, solidarity, and respect for human rights. It sees football as a tool for social cohesion and integration. It promotes the idea that football should contribute positively to society by fostering community engagement and supporting educational, cultural, and health-related activities. These values ensure that the sport remains a force for good beyond just competitive results.

2. Solidarity and financial redistribution

The European sports model emphasises solidarity, where financial resources from elite levels are redistributed to support grassroots sports. This approach ensures balanced growth across all levels of football, creating opportunities for development and maintaining the sustainability of local clubs. It aims to build a sports ecosystem where the benefits of financial success are shared, supporting the sport's overall structure and accessibility.

3. Openness, promotion, and relegation

A key feature of the model is its open competition structure, with merit-based promotion and relegation systems. This ensures that performance determines advancement rather than closed membership, fostering fairness and maintaining a competitive balance. It prevents financial disparities from dominating and keeps the competition dynamic, allowing clubs to progress or fall based on their sporting achievements.

4. Grassroots connections and voluntary participation

The model is characterised by strong links between grassroots and elite sports, emphasising the role of community-based participation and volunteer-driven activities. This relationship provides a pathway for young players and ensures that sports remain accessible and rooted in local communities. It also highlights football's social, cultural, and educational functions, which help strengthen community ties and promote wider engagement.

5. Sustainability and fair financial management

Financial stability and responsible management are crucial principles of the European sports model. Clubs are encouraged to adopt sustainable financial practices that avoid excessive debt and ensure long-term viability. The focus on fair financial management also aims to prevent practices that create unfair competitive advantages, ensuring that clubs compete on an even playing field while maintaining their economic health.

Legal rules without enforcement mechanisms and sanctions lose much of their effectiveness. So, what enforcement mechanism should the EU football regulation have? We believe that central to this framework could be the creation of an independent EU Football Governance Agency responsible for monitoring compliance, conducting audits, investigating breaches, and imposing sanctions where necessary. The enforcement framework would also include a sanctioning regime, with penalties ranging from fines and public reprimands to suspending licenses and exclusion from EU competitions for non-compliant organisations. Additionally, national sports regulators would help ensure that smaller, grassroots organisations comply with the regulation's basic governance principles while leaving enough flexibility for local adaptations. An independent judicial review would ensure accountability and fairness, allowing organisations to appeal decisions by the EU Football Governance Agency.

Through this comprehensive framework—combining centralised EU oversight, national cooperation, and public accountability—the EU football regulation would create a robust system for enforcing governance standards across all levels of football.

Conclusion

Our proposal for EU legislative intervention in football governance offers a necessary framework for reforming the deeply ingrained issues within current governance structures. While self-regulation of governing bodies is essential for the integrity of sports, it has proven flawed. It is tainted by conflicts of interest, a lack of transparency, and insufficient representation of key stakeholders, including players and fans. State regulation has also shown to be inefficient, primarily because of threats to exclude national teams from international competitions. Moreover, sport as a transnational activity requires transnational regulation. As a transnational entity capable of imposing regulatory standards across borders, the EU is uniquely well-positioned to enforce principles of good governance and ensure that sporting bodies operate more accountably and inclusively. By legislating standards of transparency, ethical governance, and stakeholder representation, the EU can help reshape sports governance. The point is not to replace football governing bodies but to empower them to adhere to higher standards of fairness and integrity.

Through this approach, the EU could create a positive ripple effect beyond its borders, encouraging global bodies in football and sports more generally to align with these standards. This would improve governance on an international scale. Such a legislative intervention would also protect the European sports model, emphasising solidarity, sustainability, and merit-based competition, ensuring that sports remain a force for social cohesion, inclusivity, and fair play. While concerns about regulatory overreach are valid, the EU's role would be to enhance, not undermine, the autonomy of football governing bodies by ensuring they adhere to democratic, transparent, and accountable practices. This is the right and timely step forward to preserve the integrity of football and ensure that it operates for the benefit of all stakeholders. The EU's time is now - let the momentum build!

Central to this framework could be the creation of an independent EU Football Governance Agency responsible for monitoring compliance, conducting audits, investigating breaches, and imposing sanctions where necessary



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